

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
1999/2000 Legislative Session**

C. DCA ADMINISTRATION

(1) New Programs

**AB 2394
Firebaugh**

Cultural and Linguistic Competency Task Force

**Chapter 802
Statutes of 2000**

Establishes the Task Force on Culturally and Linguistically Competent Physicians and Dentists to be chaired by the Directors of the Department of Consumer Affairs and the Department of Health Services. The task force is required, among other things, to develop recommendations for a continuing education program for physicians and dentists. Also, establishes a subcommittee of the task force to study the feasibility of establishing a pilot program that would allow Mexican and Caribbean-licensed physicians and dentists to practice in nonprofit community health centers in California's medically underserved areas.

**SB 129
Peace**

Office of Privacy Protection

**Chapter 984
Statutes of 2000**

Effective January 1, 2002, establishes an Office of Privacy Protection within the Department of Consumer Affairs (DCA) to serve as a central clearinghouse for privacy-related consumer complaints, education, and information. This statute also requires DCA to help facilitate coordination of local, state, and federal law enforcement agencies in identity theft and privacy-related criminal investigations. Implementation of this program is contingent upon annual Budget Act enactment and funding.

**SB 1046
Murray**

Occupational Therapists: New Licensing Program

**Chapter 697
Statutes of 2000**

Creates a new Board of Occupational Therapy within the Department of Consumer Affairs to license and regulate occupational therapists and occupational therapy assistants in California.

**SB 1306
Senate
Business &
Professions**

Sunset Review

**Chapter 656
Statutes of 1999**

Provides that when a board is sunset and taken over by the Department of Consumer Affairs, it shall be designated as a "bureau."

**SB 1307
Senate
Business &
Professions**

Sunset Review

**Chapter 983
Statutes of 1999**

Clarifies that any board that is sunset shall come under the direct jurisdiction of the Department of Consumer Affairs, and makes other related changes.

**SB 1308
Senate
Business &
Professions**

Internet Disclosure of Licensee Information

**Chapter 655
Statutes of 1999**

Gives specified boards until July 1, 2001 to provide on the Internet information regarding license status; updates name changes for

several boards; and makes other related changes.

SB 1889
Figueroa

Internet: Licensee Information

Allows licensees of specified Department of Consumer Affairs boards/bureaus to provide a post office box number or other alternate address, instead of his or her home address, as the address of record for purposes of Internet disclosure to the public. Also specifies that boards/bureaus preserve the authority to require a physical business or home address when a licensee provides a post office box or alternate address as the address of record.

Chapter 927
Statutes of 2000

SB 2028
Figueroa

Sunset Review

Makes technical revisions to the sunset review process including extending the date on which the Department of Consumer Affairs must file its annual sunset report with the Joint Legislative Sunset Review Committee.

Chapter 393
Statutes of 2000

(2) GENERAL ADMINISTRATION

AB 75
Strom-Martin

State Agency Recycling

Requires each state agency, on or before July 1, 2000, to develop an integrated waste management plan in consultation with the Integrated Waste Management Board. It requires each state entity to divert 25 percent of the solid waste generated from landfill or transformation facilities by January 1, 2002 and at least 50 percent by January 1, 2004.

Chapter 764
Statutes of 1999

AB 109
Knox

Employment: Sick Leave

Requires an employer who provides sick leave for employees, including state and local governmental entities, to permit employees to use accrued sick leave to attend to the illness of his/her child, parent, or spouse. Requires the Labor Commissioner to investigate complaints and use administrative procedures or judicial remedies to recover wages, penalties, and other compensation on behalf of the complainant. An employee is authorized to bring a civil action for any violation of these provisions.

Chapter 164
Statutes of 1999

AB 187
Hertzberg

Grant Information Act of 1999

Enacts the Grant Information Act of 1999 allowing state agencies to make available on the Internet a listing of all grants administered by that agency, including an executive summary of each grant, the grant title, eligibility requirements, total available grant funding, the number of awards, and the amount per award, among other things. The information shall provide instructions on filing grant applications electronically, or on the manner in which to download, complete and mail grant applications to the state agency

Chapter 405
Statutes of 1999

AB 505
Wright

Administrative Procedures

Makes numerous changes to the Administrative Procedure Act, creates the Office of Small Business Advocate, requires each state agency to designate an existing staff member as a small business

Chapter 1059
Statutes of 2000

liaison, and establishes the Governor's Small Business Reform Task Force.

**AB 724
Dutra**

State Government: Year 2000 Problem

**Chapter 784
Statutes of 1999**

Until June 30, 2001, allows a state agency to cite Year 2000 (Y2K) problems as a reason for not providing requested electronic copies of public records, upon approval from the Department of Information Technology. Delays the implementation of providing licensee information for specified boards within the Department of Consumer Affairs on the Internet until after July 1, 2001, and makes other provisions for potential Y2K problems.

**AB 1001
Villaraigosa**

Civil Rights Protections

**Chapter 592
Statutes of 1999**

1) Adds sexual orientation as a protected basis under the Fair Employment and Housing Act; 2) defines *sexual orientation* as meaning heterosexuality, homosexuality, and bisexuality; and 3) extends the protection to actual, as well as, perceived sexual orientation. Similar provisions in AB 1670.

**AB 1234
Shelley**

State Agency Meetings: Internet Notice

**Chapter 393
Statutes of 1999**

Effective July 1, 2001, requires all state agency meeting notices to be given over the Internet in addition to the existing written notice procedure. The written meeting notice must include the address of the Internet site where the meeting notices are available. Additionally, the statute expands the filing period for an action taken for the purpose of obtaining a judicial determination on actions taken by a state body from 30 to 90 days.

**AB 1412
Wildman**

Public Employees: Whistleblowing

**Chapter 156
Statutes of 1999**

Prohibits any state or local governmental employee from interfering with the right of any person to disclose an improper governmental activity to an investigating committee of the Legislature.

**AB 1670
Assembly
Judiciary**

Employee Rights

**Chapter 591
Statutes of 1999**

1) Extends Fair Employment and Housing Act (FEHA) harassment protections to contract workers; 2) requires employers to provide reasonable accommodations to pregnant employees if requested; 3) clarifies that genetic testing of employees is prohibited; 4) expands the class of employers subject to FEHA's prohibition against discrimination on the basis of mental disability; and 5) clarifies that protections against housing and employment discrimination cover discrimination based upon a victim's perceived membership in a protected class, and clarifies that FEHA's protections against housing and employment discrimination cover the right to freely associate.

AB 1692 Assembly Consumer Protection	<u>Administrative Adjudication: Decisions</u> Repeals existing provisions of the Administrative Procedure Act pertaining to the disposition of administratively adjudicated cases and recasts those provisions to clarify the timeframe. The provisions do not change current law, but restate the provisions in language that is more readily understandable.	Chapter 339 Statutes of 1999
AB 1759 Papan	<u>State Agency Reports: Internet Posting</u> Please see AB 1759 on page 16 for summary.	Vetoed
AB 1822 Wayne	<u>Administrative Procedure Act</u> Makes numerous changes to the Administrative Procedure Act that would clarify state rulemaking provisions. Among other things, requires state agencies to post specified information regarding proposed regulations on their websites.	Chapter 1060 Statutes of 2000
AB 1856 Kuehl	<u>Employee Conduct</u> Expressly provides that employees of any entity covered by the California Fair Employment and Housing Act are personally liable for their acts of harassment, regardless of whether their employer knows or should have known of the conduct and fails to take immediate and appropriate corrective action.	Chapter 151 Statutes of 2000
AB 2222 Kuehl	<u>Employee Rights</u> Conforms with the federal Americans with Disabilities Act of 1990 by placing various restrictions on an employer's ability to require medical or psychological testing or make disability-related inquiries or questions throughout the application and employment process.	Chapter 1049 Statutes of 2000
AB 2267 Cedillo	<u>Public Safety Officers: Personnel Reports</u> Establishes access rights to personnel files for public safety officers.	Chapter 209 Statutes of 2000
AB 2799 Shelley	<u>Public Records: Electronic Format</u> Requires governmental agencies to provide public records held in an electronic format to the public in an electronic format. The statute also requires public agencies to justify, in writing, the withholding of a public record.	Chapter 982 Statutes of 2000
SB 48 Sher	<u>Public Records: Appeal of Denials</u> Would have established a simplified procedure for a public appeal to the State Attorney General after denial of a public record request by a public agency.	Vetoed
SB 172 Escutia	<u>Employees: Inspection of Personnel Records</u> Would have required all employers to permit their employees to inspect their personnel files or a copy at the employee's workplace during normal business hours, with no loss of compensation.	Vetoed

SB 240
Speier

Child Support Enforcement

Chapter 652
Statutes of 1999

Makes numerous changes to the state child support enforcement program in an attempt to improve collection of child support. Specifically, requires all local child support agencies and courts to follow uniform statewide processes and procedures; requires any board regulating a professional license, the State Bar, and the Department of Real Estate to require a licensee to provide the social security number of each individual listed on the license and any person who qualifies for the license; and requires family law facilitators also to provide services in actions or proceedings for child custody or visitation, including providing educational materials relating to those proceedings.

SB 951
Hayden

State Employees: Disclosure of Improper Activities

Chapter 673
Statutes of 1999

Renames the "Reporting of Improper Governmental Activities Act" as the "California Whistleblower Protection Act" and revises the protection afforded to persons who make a disclosure to include persons who make a protected disclosure, or refuse to obey an illegal order. Provides that a protected disclosure includes disclosure to anyone of information that may evidence an improper governmental activity or evidence any condition that may significantly threaten the health or safety of employees or the public if the disclosure was made for the purpose of remedying the condition.

SB 966
Senate
Judiciary

Maintenance of the Codes

Chapter 83
Statutes of 1999

Makes technical clean-up changes to existing law recommended by the Legislative Counsel to the Legislature.

SB 1016
Bowen

Employee Computer Records

Vetoed

Would have prohibited an employer from secretly monitoring the electronic mail or other personal computer records of an employee. Would have required an employer who intends to inspect, review, or retain any personal electronic mail or any other personal computer records of an employee to prepare and distribute a workplace privacy and electronic monitoring policy to all employees.

SB 1065
Bowen

Public Records: Electronic Format

Vetoed

Would have clarified that the direct costs of copying public records include the costs associated with duplicating electronic records. Records held by the Department of Motor Vehicles, to which access is otherwise restricted, were exempted from these provisions. Would have amended the Public Records Act to require state and local agencies to make public records available in an electronic format upon request.

SB 1327
Escutia

Employee Rights

Chapter 886
Statutes of 2000

Requires employers, including state and local public employers, to make the contents of personnel files available to employees at reasonable times but exempts from inspection, records relating to investigation of a criminal offense, letters of reference, and specified ratings and reports

**SB 1822
Bowen**

Employee Computer Records

Vetoed

Please see SB 1822 on page 17 for summary.

**SB 1889
Figueroa**

Internet: Licensee Information

**Chapter 927
Statutes of 2000**

Please see SB 1889 on page 17 for summary.

**SB 2027
Sher**

Public Records: Appeal of Denials

Vetoed

Would have revised the appeals process for denial of access to public records.